

REMARKS

Applicants respectfully request reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Claims 2 and 47 are currently being amended. Claims 5-6, and 48 are requested to be cancelled. Claim 50 is added. Support for amendments can be found throughout the specification and the original claims. No new matter is added.

After amending the claims as set forth above, claims 2, 44, 47, and 49 are now under examination in this application. Claims 7-42 remain withdrawn.

Claim Rejections 35 U. S. C. § 112

Claims 2, 5-6, 44, and 47-49 are rejected under 35 U.S.C. 112, second paragraph.

Claim 2 is amended to recite "...a fibrous material, the fibrous material containing carbon fiber...".

This amendment should remove the 112 rejections of claims 2, 44, 47, and 49. Claims 5-6, and 48 are cancelled, thus the 112 rejections of claims 5-6 and 48 are now moot.

Claim Rejections 35 U. S. C. § 103

Claims 2, 5-6, 44, and 47-49 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Blenner et al. (US 4,738,999). Applicants respectfully traverse.

Claim 2 is amended to recite that "the polyol contains at least 50 wt.% of polypropylene glycol." Support for this amendment can be found in the original claim 5, and the specification. For example, the paragraphs starting from Page 15/Line 18 reads:

"As the polyol, a bifunctional one is preferred in order to attain a great change in physical properties (for example, modulus of elasticity) at around Tg. Examples of the bifunctional polyol include those represented by the formula: HO—R'—OH, in which R' represents a group having 0, 1 or 2 benzene rings; and products obtained by reacting the above-described bifunctional polyol with a bifunctional carboxylic acid or cyclic ether. Specific examples include polypropylene glycol, 1,4-butaneglycol adipate, polytetramethylene glycol, polyethylene glycol and bisphenol-A+propylene oxide.

In Composition 2, among the above-described polyols, ether-based ones free from risk of hydrolysis which are, at the same time, aromatic or aliphatic side-chain-based ones capable of having an increased Tg from the viewpoint of its molecular design are preferred. Of the above-described compounds, polypropylene glycol is particularly preferred. It is contained usually in an amount of 50 wt.% or greater, preferably 70 wt.% or greater, more preferably 90 wt.% or greater, as a monomer in the polyol components." *Emphasis supplied.*

On the other hand, Blenner teaches that polyether diols can be used as the polyol, however, is silent as to polypropylene glycol. Applicants respectfully submit that a polyol does not encompass a genus small enough that each of its members would be rendered obvious if individually claimed. Applicant recognizes that the recent *KSR* case has liberalized the grounds for rejecting a claim as obvious. However, there are still limitations on those recently liberalized grounds. For example, Applicant points to MPEP § 2143.01, IV, entitled the *Mere Statement That The Claimed Invention Is Within The Capabilities Of One Of Ordinary Skill In The Art Is Not Sufficient By Itself To Establish Prima Facie Obviousness*, which states that

statement that modifications of the prior art to meet the claimed invention would have been "well within the ordinary skill of the art at the time the claimed invention was made" because the references relied upon teach that all aspects of the claimed invention were individually known in the art is not sufficient to establish a *prima facie* case of obviousness without some objective reason to combine the teachings of the references. *Ex parte Levengood*, 28 USPQ2d 1300 (Bd. Pat. App. & Inter. 1993).

Notwithstanding the fact that no objective reason has been proffered to modify Blenner, Applicants traverse the rejection. Accordingly, a *prima facie* case of obviousness has not been established at least due to MPEP § 2143.01, IV.

New claim

New claim 50 is added to recite that "the polyol has an average molecular weight of from 100 to 150". Support for new claim 50 can be found in the paragraph starting from Page 15/Line 2. No new matter is added.

Claim 50 depend from claim 2, and should be patentable for at least the same reasons.

Rejection of Provisional Obviousness-type Double Patenting

The PTO rejected claim 2 provisionally on the ground of non-statutory obviousness-type double patenting as being unpatentable over claim 1 of co-pending application No. 10/492,940.

Applicants will consider filing a Terminal Disclaimer, if still needed, upon an indication of allowable subject matter.

Conclusion

Applicants believe that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

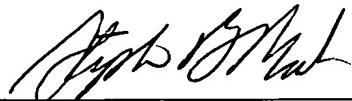
The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing or a credit card payment form being unsigned, providing incorrect information resulting in a rejected credit card transaction, or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicants hereby petition for such extension under 37 C.F.R. §1.136 and authorize payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date

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By



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